

CTJ/RMT

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

2009 MAY 14 PM 4:28

CLERK OF COURT

SECURITIES AND EXCHANGE COMMISSION,	§
	§
Plaintiff,	§
	§
v.	§
	§
	§
KISELAK CAPITAL GROUP, LLC,	§
GEMSTAR CAPITAL GROUP, INC.,	§
MICHAEL J. KISELAK, and	§
JEFFREY J. SYKES,	§
	§
Defendants.	§
	§
	§

Civ. No.: 09-CV-256 - A

UNOPPOSED MOTION TO ENTER AGREED PERMANENT
INJUNCTION AS TO DEFENDANTS MICHAEL J. KISELAK
AND KISELAK CAPITAL GROUP, LLC

Plaintiff Securities and Exchange Commission (“Commission”) files this Unopposed Motion to Enter Agreed Permanent Injunction and states:

1. The Commission filed suit against Michael J. Kisela and Kisela Capital Group, LLC (“KCG”) (collectively, “the Kisela Defendants”) on May 11, 2009, alleging violations of the federal securities laws. That same day, the Court granted a temporary restraining order and other emergency relief against the Kisela Defendants (and two other defendants who are not subjects of this motion). The Court also scheduled a hearing on the Commission’s application for a preliminary injunction for 10:00 a.m. on May 20, 2009.

2. Plaintiff immediately served the Kisela Defendants and initiated settlement discussions. The Kisela Defendants have agreed to the entry of an order that permanently enjoins them from future violations of Section 17(a) of the Securities Act of

1933 and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.

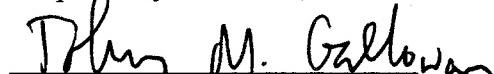
3. On May 14, 2009, the Kiselak Defendants signed an Agreed Permanent Injunction containing the terms of their agreement with the Commission, which is being filed simultaneously with this motion.

4. After the Kiselak Defendants and their counsel signed the Agreed Permanent Injunction, Plaintiff made certain stylistic changes and substituted pages appearing before the signature page. Specifically, when the Kiselak Defendants printed the document supplied by Plaintiff, certain section symbols did not print properly. Plaintiff corrected these errors, with defense counsel's express permission, and inserted the corrected versions in front of the signature pages.

For these reasons, the Commission respectfully requests that the Court enter the agreed permanent injunction.

DATED: May 14, 2009

Respectfully submitted,

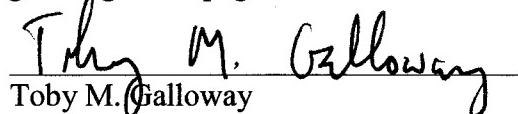


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CERTIFICATE OF CONFERENCE

I certify that I conferred with Cliff Couch, counsel for Defendants Michael J. Kiselak and Kiselak Capital Group, LLC. on May 14, 2009, regarding the subject matter of this motion. Mr. Couch stated that, consistent with his signature on the attached proposed Agreed Order, his clients agreed to the relief sought herein. In addition, Mr. Couch agreed that Plaintiff could correct certain stylistic errors, as referenced in paragraph four of the motion, and use the original signature pages.


Toby M. Galloway

CERTIFICATE OF SERVICE

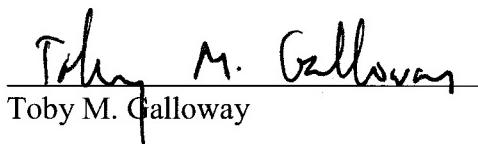
I certify that on May 14, 2009, I served this *Unopposed Motion for Entry of Agreed Permanent Injunction* on all adverse parties by causing a true copy thereof to be delivered to Federal Express for delivery by priority mail and with air freight charges prepaid and addressed to:

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